

THE CITY OF CLAYTON

Board of Aldermen Meeting
Council Chambers - 10 N. Bemiston Avenue
April 12, 2011
7:00 p.m.

Minutes

Mayor Pro Tempore Berger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Judy Goodman, Andrea Maddox-Dallas, and Cynthia Garnholz

Mayor Pro Tempore Berger
City Manager Owens
City Attorney O'Keefe

Absent: Mayor Goldstein, Steve Lichtenfeld, and Michelle Harris

Mayor Pro Tempore Berger asked for any questions or comments relating to the March 22, 2011 minutes, which were previously provided to the Board.

Alderman Goodman moved to approve the March 22, 2011 minutes. Alderman Maddox-Dallas seconded the motion.

The motion passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT – BREAK -N- EGG DINER 7814 FORSYTH BOULEVARD

Alderman Goodman moved that the Board open the public hearing with regard to Res. No. 11-15 to consider a Conditional Use Permit for Break-N-Egg Restaurant at 7814 Forsyth Blvd and request proof of publication. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

City Manager Owens reported that this is a public hearing and resolution to consider approving a Conditional Use Permit for the operation of a restaurant to be known as Break -N- Egg Diner.

In August of 2004, a Conditional Use Permit was issued for the operation of Plush Pig Barbeque. Plush Pig Barbeque vacated the premises approximately one year ago.

Ruhi Sirkeci, restaurant owner, is requesting a Conditional Use Permit to operate a restaurant to be named Break -N- Egg Diner. The 1,750 square foot restaurant will feature traditional breakfast foods, salads and sandwiches. Dinner service is not being proposed. The dining room and bar area will accommodate 70 patrons. Outdoor dining is not proposed. Proposed

hours of operation are 7:00 a.m. to 2:00 p.m., seven days a week. Deliveries to the restaurant will be made via the rear alley.

The Plan Commission considered the request for the Conditional Use Permit at its March 7, 2011 meeting and voted unanimously to recommend approval to the Board of Aldermen.

Recommendation is to approve a Conditional Use Permit for the operation of Break –N- Egg Diner at 7814 Forsyth Boulevard.

In response to the Board's questions, Mr. Ruhi Sirkeci, owner, stated that he has had a similar restaurant in Ballwin for approximately two years and anticipates opening the Clayton restaurant in approximately four weeks. Mr. Sirkeci thanked the Board for the opportunity.

Alderman Goodman moved that the Board close the public hearing with regard to Res. No. 11-15 to consider a Conditional Use Permit for Break-N-Egg Restaurant at 7814 Forsyth Blvd. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Alderman Goodman moved to approve Resolution No. 11-15, and grant a Conditional Use Permit for Break-N-Egg Restaurant at 7814 Forsyth Blvd. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND RESOLUTION TO CONSIDER APPROVING CONDITIONAL USE PERMIT – PUBLIC INTEREST SIGN 50 SOUTH BEMISTON AVENUE (STERLING BANK)

Alderman Goodman moved that the Board open the public hearing with regard to Res. No. 11-16 to consider a Conditional Use Permit for Sterling Bank for the installation of a clock tower at 50 S. Bemiston Avenue and request proof of publication. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

City Manager Owens reported that this is a public hearing to consider approving a Conditional Use Permit for the installation of a public interest sign, in the form of a clock tower. The subject property is located at the northeast corner of South Bemiston and Carondelet Avenues. The property is being renovated to house Sterling Bank's Clayton location.

Section 425.150 of the City's Sign Regulations requires a Conditional Use Permit for the installation of a public interest sign, which is defined as a sign containing information of interest to the general public, such as weather and time information.

The proposed clock tower is 28-feet in height and is proposed to be located within the Natalie Gayle plaza area. A 4-foot diameter clock with a white-pan formed face and black vinyl graphics, with an "S" logo in the center of the clock face is proposed near the top of the tower. The clock tower will not be illuminated.

The Plan Commission considered the request for the Conditional Use Permit at its March 7, 2011, meeting and voted unanimously to recommend approval of the clock tower to the Board of Aldermen as submitted by the applicant.

Recommendation is to approve a Conditional Use Permit for the installation of a public interest sign, in the form of a clock tower, as recommended by the Plan Commission.

In response to the Board's questions, Mr. Tyler Stephens, Core10 Architects, stated that demolition is currently underway to redo the plaza and sidewalk area. He provided the Board a PowerPoint presentation that showed a rendition of the building, plaza and clock tower. He said that the intention is to have a special interest place for the bank and will draw attention to the bank and to the plaza. Mr. Stephens noted that the clock tower will not be lighted.

Alderman Goodman moved that the Board close the public hearing with regard to Res. No. 11-16 to consider a Conditional Use Permit for Sterling Bank for the installation of a clock tower at 50 S. Bemiston Avenue. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Alderman Goodman moved to approve Resolution No. 11-16 and grant a Conditional Use Permit for Sterling Bank for the installation of a clock tower at 50 S. Bemiston Avenue Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND ORDINANCE TO CONSIDER APPROVING SUBDIVISION PLAT (LOT CONSOLIDATION) 6500-6510 WYDOWN (WYDOWN MIDDLE SCHOOL PROPERTY)

Alderman Goodman moved that the Board open the public hearing with regard to Bill No. 6257 to consider a request for a subdivision plat for Wydown Middle School at 6500-6510 Wydown Blvd and request proof of publication. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

City Manager Owens reported that this is a public hearing and subsequent ordinance to consider approving a subdivision plat for the consolidation of two (2) Hillcrest Subdivision lots (on the western end of the site presently containing Wydown Middle School's surface parking lot) with a larger tract of land (currently containing the existing school building and athletic field) to create one (1) new lot. All lots have an R-2 Single Family zoning designation.

On February 18, 2011, the City of Clayton received an application and proposed plat from William Massmann of Massmann Surveying on behalf of the School District of Clayton requesting a consolidation of two (2) existing lots (Lots 15 and 16 and addressed 6510 Wydown Boulevard) in the Hillcrest Subdivision and the adjacent larger tract of land to the west that currently contains the school and athletic field (addressed 6500 Wydown Boulevard). The plat also contains a right-of-way dedication to the City for the purposes of widening a portion of the east-west oriented public alley located between the subject site and Aberdeen Place. The plat was reviewed by staff and on March 25, 2011, the plat was submitted for consideration by the Plan Commission and Board of Aldermen.

The lot consolidation will provide a single lot for the entire Wydown Middle School site. The dedication of land to the City will provide a wider alley which will allow the required access to the site for Fire Department equipment. The newly formed Lot A will contain 205,434 square feet.

The Plan Commission considered and recommended approval of the lot consolidation at their March 21, 2011 meeting.

The newly created lot meets all zoning requirements for the R-2 Single Family Dwelling District.

Recommendation is to approve the Ordinance.

Alderman Goodman stated that she and Alderman Garnholz attended the Planning Commission meeting and heard the discussion. She said that City Attorney O'Keefe thoroughly explained the ministerial procedures involved and was satisfied with his summary.

Aldermen Goodman and Maddox-Dallas stressed the importance that staff diligently review any permit requests received on behalf of the project and take into consideration all safety precautions.

Alderman Goodman moved that the Board close the public hearing with regard to Bill No. 6257 to consider a request for a subdivision plat for Wydown Middle School at 6500-6510 Wydown Blvd and request proof of publication. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Alderman Goodman introduced Bill No. 6257, an ordinance for a subdivision plat for Wydown Middle School at 6500-6510 Wydown Blvd to be considered for the first time to be read by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6257 to consider a request for a subdivision plat for Wydown Middle School at 6500-6510 Wydown Blvd by title only.

The motion passed unanimously on a voice vote.

Alderman Goodman introduced Bill No. 6257, an ordinance for a subdivision plat for Wydown Middle School at 6500-6510 Wydown Blvd to be considered for the second time to be read by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6257 for the second time. Alderman Goodman – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; and Mayor Pro Tempore Berger – Aye. The Bill was adopted and became Ordinance No. 6142 of the City of Clayton.

AN ORDINANCE TO CONSIDER AN AMENDMENT TO THE FISCAL YEAR 2011 BUDGET

City Manager Owens reported that as a best management practice, the City of Clayton reviews and makes adjustments to its revenues and expenditures on a quarterly basis to respond to changes as the fiscal year progresses. As part of the quarterly budget review, Don Yucuis will give the Board a brief summary of the proposed amendments to the Fiscal Year (FY) 2011 budget.

Don Yucuis summarized in detail the proposed amendments as follows:

	FY 2011 Amended Budget	FY 2011 2nd Quarter Amendments	FY 2011 Amended Budget
Beginning Fund Balance	\$74,509,108		\$74,509,108
Revenues	\$46,784,748	\$4,544,228	\$51,328,976
<u>Expenditures</u>	<u>\$59,025,518</u>	<u>\$4,693,868</u>	<u>\$63,719,386</u>
Ending Fund Balance	\$62,268,338	\$ (149,640)	\$62,118,698

Mr. Yucuis reported that some of the major items included in the amendment are:

■ **General Fund**

- Revenue: T-Mobile cell phone settlement-\$72,122; close out of Heritage Building rent/expenses-\$48,253; new special event will not be held this year-(\$20,000); Clayton Child Center rent lower than expected-(\$12,000); CRSWC loan repayment approved on December 2010; and elimination of transfer in of \$200,000 from the Capital Improvements Fund.
- Several budgeted positions were not filled in the first quarter, leading to a savings of \$29,937. This includes the Sustainability Coordinator (Planning) and the Accounts Clerk (Finance). These savings were partially offset by a temporary agency cost of \$4,896 in Finance, for a net savings of \$25,041.
- City Manager: legal fees of \$14,425 related to the T-Mobile settlement; annual report design cost of \$3,000; and \$30,000 for the communications consultant.
- Parks and Recreation: planned new event will not be held-(\$20,000), and the roof replacement at the ice rink will be delayed until 2013 as it is not yet at the point of needing replacement-(\$16,000).
- Non-departmental: \$9,500 for the community survey and \$37,276 for the CRSWC loan approved in December 2010.

■ **Capital Improvements Fund**

- Revenue: Amend for the federal share of the Haddington Court project-\$4,621,994 and U.S. Treasury refund of arbitrage related to the 1998 bond issue-\$24,379.
- Corresponding to the above revenue adjustment, also amend expenses for the federal share of the Haddington Court project-\$4,621,994.
- Several capital projects with carry-overs totaling \$18,714 were planned to be completed by the end of FY 2010 (September 30, 2010) and were not. They include improvements to landscaping, street lighting, streetscape, the public works facility and City Hall.
- Design for Hanley Park Structure-\$20,000.

Staff recommendation is to approve the ordinance adopting amendments to the FY 2011 budget as proposed.

Alderman Goodman introduced Bill No. 6258, an ordinance to approve the FY2011 Budget to be considered for the first time to be read by title only. Alderman Maddox-Dallas seconded.

In response to Mayor Pro Tempore Berger's question, Don Yucuis stated that staff is currently reviewing ideas for cost reductions and should have a list by the end of May.

City Manager Owens stated that the Board will receive an update on proposed savings and added that personnel costs are the City's largest portion of the budget.

City Attorney O'Keefe reads Bill No. 6258 an ordinance to approve the FY2011 Budget by title only.

The motion passed unanimously on a voice vote.

Alderman Goodman introduced Bill No. 6258 an ordinance to approve the FY2011 Budget to be considered for the second time to be read by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6258 for the second time. Alderman Goodman – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; and Mayor Pro Tempore Berger – Aye. The Bill was adopted and became Ordinance No. 6143 of the City of Clayton.

AN ORDINANCE TO REVISE THE TRAFFIC CODE RELATED TO THE DESIGNATION OF NO-PARKING ZONES IN DAVIS PLACE SUBDIVISION ON DAVIS DRIVE, MOHAWK DRIVE, NORTH BILTMORE DRIVE, AND WEST BILTMORE DRIVE

Mayor Pro Tempore Berger requested that Bill No. 6259, an ordinance to approve on-street parking restrictions for the Davis Place Subdivision is postponed until the May 10 Board of Aldermen meeting. He stated that they have been in dialogue with the community and would like to solicit further comment and information before the Board votes on the issue.

Alderman Goodman moved that Bill No. 6259, an ordinance to approve on-street parking restrictions for the Davis Place Subdivision is tabled until the May 10 Board of Aldermen meeting. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE APPROVING EASEMENT AGREEMENTS FOR CERTAIN IMPROVEMENTS TO THE CENTENE PLAZA REDEVELOPMENT PROJECT

City Manager Owens reported that this is an ordinance to approve easement agreements related to the Centene Plaza project. The first easement is for a pedestrian bridge over a public alley. At the October 4, 2010 City Plan Commission/Architectural Review Board Meeting, representatives of the Centene Development Team requested approval of the design of a pedestrian bridge connecting Centene Corporation's office building at 7711 Carondelet Avenue to the Forsyth parking garage. Centene proposes a covered pedestrian bridge which would lead from the north side of the Centene building over the east-west alley south of the Forsyth garage. Within the garage, pedestrians would be able to access the Forsyth Court covered walkway which would lead to the new Centene Plaza office tower lobby. The clearance of the pedestrian bridge over the alley will be 15-feet, 2-inches. This clearance does not meet the pedestrian bridge requirements of St. Louis County, the Missouri Department of Transportation, or the American Association of State Highway Transportation Officials. In response to this issue, the Public Works Department requested that Centene provide an analysis performed by a structural engineer certifying that the pedestrian bridge will withstand a low-speed vehicular

impact. As a result, the City Plan Commission/Architectural Review Board approved Centene's request contingent upon:

1. Centene providing the required structural engineer's analysis to the Public Works Department prior to the issuance of a building permit.
2. Centene submit an aerial rights easement to be reviewed by the Public Works Department and City Attorney and approved by the Board of Aldermen prior to the issuance of a building permit.

The Public Works Department has reviewed and approved the structural engineer's analysis, and both Public Works and the City Attorney have reviewed and approved the attached easement titled "Exhibit A" being considered tonight.

The second easement is for a canopy. The canopy is attached to the northern elevation of the Forsyth garage, directly above the retail frontage that was constructed to the northern property line. The attached canopy extends 1.5-feet into the public right-of-way. Both Public Works and the City Attorney have reviewed and approved the easement titled "Exhibit B", also being considered tonight.

Recommendation is to approve the ordinance approving both easements for the pedestrian bridge and the canopy.

Alderman Goodman introduced Bill No. 6260, an ordinance to approve easement agreements for the Centene Plaza Redevelopment Project to be considered for the first time to be read by title only. Alderman Maddox-Dallas seconded.

In response to the Board's questions, Mr. John Severine, Mr. Dan Wofsey, of Centene and Mr. Jim Mundy of Clayco, explained that the standard height for a pedestrian bridge is 17 feet and that they provided an analysis performed by a structural engineer certifying that the pedestrian bridge will withstand a low-speed vehicular impact at the proposed height of 15 feet, 2 inches. They explained that the bridge will connect the third level of the building at 7711 Carondelet Boulevard to the new parking garage level of the new plaza. He said the bridge will be a safe passageway for employees so that they would not have to cross through the alley.

The Board expressed their concerns with the proposed height as related to the safety of pedestrians as trash and delivery trucks are driving through the alleyway. They stressed the importance of the pedestrian's safety and asked that staff monitor the project carefully.

City Attorney O'Keefe reads Bill No. 6258 an ordinance to approve the FY2011 Budget by title only.

The motion passed unanimously on a voice vote.

Alderman Goodman introduced Bill No. 6260, an ordinance to approve easement agreements for the Centene Plaza Redevelopment Project to be considered for the second time to be read by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6260 for the second time. Alderman Goodman – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; and Mayor Pro Tempore Berger – Aye. The Bill was adopted and became Ordinance No. 6144 of the City of Clayton.

A RESOLUTION AUTHORIZING AN EXTENSION OF EXPANDED OUTDOOR DINING

City Manager Owens reported that this is a resolution to extend the moratorium on Architectural Review Board requirements and design regulations for an additional expanded outdoor dining season beginning May 1 through November 15, 2011.

The moratorium has been renewed annually for the past seven seasons. On June 22, 2004, the Board of Aldermen approved a moratorium related to the Outdoor Dining Standards for a test period of three (3) months, which allowed restaurants to expand outdoor dining during the evening hours without approval by the Architectural Review Board and without adherence to the standard outdoor dining requirements. The standard outdoor dining requirements, which are waived as part of this program, include Architectural Review Board approval of the layout and furniture material, pedestrian barriers and the issuance of an annual Outdoor Dining Permit. Recommendation is to approve the resolution.

Alderman Goodman moved to approve Resolution No. 11-17 and authorize the extension of the expanded outdoor dining. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Other

On behalf of Mayor Goldstein, Mayor Pro Tempore Berger read the following statement:

*I'm very sorry that I'm missing your last meeting and I wish that I could be there tonight to say this to you personally. But I'm not there, so here goes...
You've contributed so much to our community over the last 10 plus years, and we're all very grateful that you've been a part of our team. In particular, I want to thank you for all the help you gave me when I was a new mayor and we seemed to have an unprecedented amount of development going on. It was quite a roller-coaster ride, but I'll never forget how, whenever I would call you to convey the latest unexpected "twist", you would burst into laughter!! And, of course, I felt much better and knew that between the two of us we had everything under control. So, thank you again for all that you've done for us. I know you'll be a great success in O'Fallon just as you were in Clayton. Best wishes to you as you start this next phase of your career.*

Mayor Pro Tempore Berger expressed both he and Alderman Lichtenfeld's heartfelt appreciation for Deputy City Manager Toser-Aldaz's service to the City.

Alderman Goodman expressed her appreciation to Deputy City Manager Toser-Aldaz and thanked her for all of her steady conversations and advice.

Alderman Maddox-Dallas expressed her appreciation to Deputy City Manager Toser-Aldaz and thanked her for her commitment and service to the City.

Alderman Garnholz expressed her appreciation to Deputy City Manager Toser-Aldaz and thanked her for her commitment and service to the City and also the help that she provided the elected officials.

Alderman Garnholz moved that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to

negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Goodman seconded the motion. The motion passed unanimously on a roll call vote cast as follows: Alderman Goodman – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; and Mayor Pro Tempore Berger – Aye.

There being no further business the meeting adjourned at 7:55 p.m.

Mayor

ATTEST:

City Clerk